

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**MONTRICIA PITTMAN,**

**Plaintiff,**

**VS.**

D.T. MARSHALL, ]

**Defendant.**

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**Case Number: 2:06CV507-WKW**

**MOTION TO DISMISS SECOND AMENDED COMPLAINT**

COMES NOW the Defendant Sheriff D.T. Marshall, pursuant to Rule 12(b), Fed. R.Civ. P., and moves this Court to dismiss Plaintiff's Second Amended Complaint filed with this Court on August 31, 2007 (Doc. # 25). Defendant shows as follows:

1. Plaintiff has failed to adequately plead a claim for sex discrimination in Count I of the Second Amended Complaint.
2. Plaintiff has failed to adequately plead a claim for retaliation in Count II of the Second Amended Complaint.
3. Plaintiff has failed to adequately plead a claim for retaliation in Count III of the Second Amended Complaint.

**WHEREFORE, THE PREMISES CONSIDERED,** Defendant moves this Court to dismiss Plaintiff's Second Amended Complaint and grant him any other relief to which he may be entitled.

s/ Constance C. Walker  
Thomas T. Gallion, III (ASB-5295-L74T)  
Constance C. Walker (ASB-5510-L66C)

**OF COUNSEL:**

**HASKELL SLAUGHTER YOUNG & GALLION, LLC**

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 17<sup>th</sup> day of September, 2007, I electronically filed the foregoing with the Clerk of the Court using the **CM/ECF** system that will send notification of such filing to the following counsel:

Deborah M. Nickson  
2820 Fairlane Drive, Ste. A-10  
Montgomery, Alabama 36116

s/ Constance C. Walker  
Of Counsel